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THE  
RIGHTS AND DUTIES  
OF  
MAN,

UNITED;

In a SERIES OF LETTERS

FROM A

GENTLEMAN IN LONDON,

TO HIS

FRIEND IN THE COUNTRY,

ON THE

DUTY AND NECESSITY

OF ASSOCIATING TOGETHER IN A

CONSTITUTIONAL and PEACEABLE MANNER

FOR THE

*Preservation of the RIGHTS of MAN;*

AND A

HISTORY OF THE ENGLISH CONSTITUTION,

FROM ITS

SOURCE IN GERMANY;

WITH ITS SUBSEQUENT CHANGES AND CORRUPTIONS:

TO WHICH IS ADDED,

A Review of the ANCIENT and PRESENT State of EXPENCES

*In LIVING, MANUFACTURES, and GOVERNMENT:*

THE DISASTROUS EFFECTS WHICH A

REVOLUTION in FRANCE will have upon ENGLAND,

IF NOT PREVENTED BY A FREE PARLIAMENT,

AND THE LEGAL METHODS OF OBTAINING

AN EQUAL REPRESENTATION.

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By A CITIZEN OF LONDON.

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1792

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INTRODUCTION.

**M**AN, when he becomes a reasonable creature, becomes an active member of some Society, and his first duty is to obey the laws, and the interests of it, as far as they are consistent with justice. But the Government in almost every state, not content with the glory, or the reasonable profits of governing well, are apt to oppress the people with burthensome taxes, for their private advantage. Hence there arises another duty amongst the subordinate members of that Society, to establish some regulations for preventing the abuse of the powers they have delegated. But the multiplicity of numbers, the want of union, and the want of knowledge in that rank, renders it easy for those who are invested with the government to evade these regulations, and by fraud and force reduce the people to the most servile condition. From these circumstances there arises a third duty, peculiar to those who are not interested in these abuses, and have discernment to see them in all their malignity, to inform their fellow citizens, and to lead them into a legal mode of redress.

This duty appears indispensable to *them*, if we consider that superior knowledge is that talent, which was given not to be buried in a napkin, but to be diffused as wide as possible; and that a corrupt government always produces vice among the people; for neither the Ministry nor the Magistracy can exert their powers when the constitution they are obliged to support, cannot exist without encouraging perjury, and conniving at innumerable frauds in all the departments of it. Every elector, when he gives his suffrage, solemnly swears, *that he has not received any bribe, reward, or promise of reward, directly or indirectly, by himself, or any person for his use;* yet we have known magistrates, and even ministers of the gospel, pressing the electors to accept of bribes, in behalf of their friends. Luxury and gaming, the parents of all other species of oppression are connived at, in order that the representatives of the people may become necessitous and venal. Infidelity and drunkenness are encouraged amongst the lower orders, that they may forget their true interests, and take a false oath without remorse. The ministers of the Church are more intent upon courting powerful men for patrons, than instructing the people, or gaining their esteem; and distress is continually urging men to commit crimes, which in happier circumstances they would not have thought of. A Free Parliament having no sinister views themselves, would not connive at fraud, or neglect in others; and if the members were found preferring any private interest to the public good, they would certainly be rejected at the next election.

These considerations, more than the former, have induced the author of the following letters to publish them, in hopes that the friends of religion and virtue will see the matter in the same light that he does. Far from wishing to destroy the English constitution, his view is to display its excellence, before it was poisoned by foreign invaders, and to expel what is corrupt and heterogeneous by the most gentle and legal methods. In order to this, he has drawn up a concise history, shewing its original purity and subsequent corruptions, with their baneful effects, and the legal means of removing them.

## ON CONSTITUTIONAL SOCIETIES:

SIR,

## LETTER FIRST.

YOUR having desired me to give you some account of the Societies which are forming in various parts of the Kingdom, for procuring a reformation in Parliament, and the methods they intend to pursue in procuring this object, has led me to enquire into the prevailing sentiments amongst them; and it appears to me, that they have nothing more in view, than to procure, and to communicate such information respecting our constitution and its abuses, as may induce their countrymen to join them in their endeavours to restore its ancient purity, which I believe is the wish and hope of all good men, however they may dread the consequence of attempting it. By associating together, and communicating a just idea of Government, with such abuses as may come to their knowledge, they trust their numbers will amount to above half the Kingdom, and that their Sovereign and the present Legislature will not then be deaf to their representations, or deny their request. Truly sensible of the calamities which a *violent* and *doubtful* dispute would produce; they mean to proceed with the utmost moderation and respect to the laws in being, expecting their countrymen will in time be almost unanimously of their opinion. But your objections to all Societies of this kind will lead me into a much wider field of argument; and I therefore rather enter into it, because I find these objections are common to most gentlemen who are possessed of affluence, and seldom a witness of the wants and oppressions of those below them. It is the middle ranks of life who the Societies wish to convince of the truth of these oppressions (the lower feel them sufficiently) being persuaded that if the middle ranks would generally support their measures, their wishes would be speedily complied with, and that without *mischief or tumult*, and I shall prove that it is for *their* interest as well as the *lower orders*. If they should *continually* oppose a reformation, all the calamities they so much dread, will inevitably happen, sooner or later; for I will make it appear, that oppression is increasing, and cannot be stopped but by a free parliament; and when a great people are driven to despair, no ties of prudence or justice can bind them, no fears of danger can intimidate them; when death or life become indifferent, all order is at an end. To prevent, not to precipitate these calamities is their wish, and they hope for the concurrence of every man of knowledge, humanity and virtue.

You admit that the representation of the people is very unequal (for who can deny it) and that the Minister has a great influence in directing both the choice and the conduct of the representatives; but you say the minister cannot act at all without this influence, that the constitution of England is as perfect as it ever was, or can be expected, considering the weakness of human nature, that with all its imperfections, we have flourished under it for ages: Trade, wealth, and population have increased, and if the taxes are high, the government has laid them lightly on the poorest class of subjects, who may all procure a comfortable subsistence if they will; that the advantages to be gained by altering it are chimerical and uncertain; whereas the miseries a contest would produce are shocking and inevitable.



Your opinions, Sir, evidently prove you have not sufficiently investigated the subject, as you are mistaken in almost all of them; therefore I beg your attention, while I state some important facts for your consideration, in doing this I must go over a beaten track; but as you have not leisure or inclination to read much, I will select from the many writers, the most important passages, and place them in the best order and clearest point of view I can, I shall impartially state the best arguments on both sides, and leave reason and truth to decide the controversy. I agree with you, that in the present system of government, no Minister can act without the influence of the Crown; but if the members of Parliament depended on the free choice of the people for their seats, no such influence would be necessary, or could exist; if the measures of the ministers were good they dare not oppose them, if they were bad they dare not support them; the people are not so stupid or ignorant, but they could easily distinguish between their friends and their enemies. But the constitution of England is not as perfect as it ever was. Those indeed, who deduce it from Magna Charta, the Bill of Rights, or any transaction since the Norman conquest, will find it greatly defective, as I shall shew hereafter. We must look for its original, and its perfection amongst our Saxon ancestors, and there we shall find a purer system, both practicable and effectual. Greece and Rome have taught us some good lessons, of which I shall take notice occasionally. They have taught us, that the body of the people are not naturally enemies to law and equity, or very difficult to govern, but their irregularities and violence have been always occasioned by great men dividing them into factions, and irritating them against each other to promote their private interests. The laws of Solon and Numa were gladly received, and cheerfully obeyed by the people. But Tyrants succeeding, provoked the people to acts of violence; and after many efforts to establish liberty, not being able to distinguish faction from patriotism, they sunk again into slavery. Which leads us into an important truth. *That if genuine Liberty should be given, unless Knowledge is given with it to the body of the people, they never can preserve it.*

This is the basis on which the Societies now forming in various parts of the Kingdom mean to proceed. They are sensible, that if they were able to lay down a perfect form of Government, and to carry it into effect by force of arms, it would avail nothing, unless the people were qualified to receive and preserve it, and if the people were qualified to receive and preserve it, force would be unnecessary. The despots of the earth, when abstracted from their deluded supporters are but few; take the delusion from the eyes of the latter, manifest the villany of their leaders, and their own folly, and they will desert the infamous cause; we shall then have none to fight with. Shall we destroy our enemies when they are no longer able to hurt us? No! surely, Religion, humanity, the natural disposition of Englishmen! all forbid it, unless they foolishly provoke their fate by a useless perseverance. I am far from wishing to excite commotion, but write from conviction that it will happen if the method here proposed is not taken. As Government will probably persevere till the flame breaks out, if not timely admonished by numerous associations.

In order to deduce the English Constitution from its source, it is necessary to look to its origin in Germany. Notwithstanding the ignorance of the ancient Germans, we find there principles of justice and generosity which would have done honour to any age; and a system of liberty, which although labouring under many inconveniences from the want of letters, made these rude warriors more than a match for the former conquerors of the world.

We are chiefly indebted to the Roman historians for our knowledge of them, and they cannot be suspected of partiality in favor of this nation. Julius Caesar has, in a very interesting manner, contrasted the Gauls, or old French, with the Germans. He says.

\* 'In all Gallia the men who are in power and honor are of two kinds, for the common people have no rank but that of servants, who are never heard by themselves, and are not admitted to council. The most part yearly alienate their effects, through great tribute, or oppressed by the injustice of the more powerful, offer themselves as vassals to the nobility. Of these two the one are the Druids (or priests) the other, the Equites (or Chiefs.) The druids decide almost all controversies, public and private; if any one will not abide by their decrees, he is forbidden the sacrifices, which is a heavy punishment.

'But the Germans differ much from this, for they have neither Druids nor sacrifices; their lives are spent in hunting, and in the study of the military art — they do not study agriculture, and the greater part of their food consists of milk, cheese, and flesh. Neither hath any one a certain field or proper boundaries; but the magistrates and princes in every year apportion to a tribe of people who live together, a certain quantity of ground according to their number, and after a year transfer them to another place. This is done for many reasons, lest they should endeavour to extend their confines; change the study of war for that of agriculture, or the more powerful expel the weaker possessors: to prevent covetousness, from which faction and discord proceeds, and to content the minds of the people, when they see their riches equal to the most powerful. When civil or foreign war is denounced or brought in, they chuse a magistrate to preside over the war, having power of life and death, but this magistrate is not common in time of peace; and when any chief declares in council that he intends to make war, they who approve the cause and the man, rise and offer their assistance.

\* In omni Gallia eorum hominum, qui aliquo sunt numero atque honore, genera sunt duo. Nam plebs pæne servorum habetur loco, quæ per se nihil audet et nulli adhibetur consilio. Merique quum aut ære alieno, per magnitudine tributorum, aut injuria potentiorum premuner, sese in servitutem dicant nobilibus. — His alterum Druidum alterum equitum, &c.

Germani nulum ab hac contumidine differunt. Nam neq. Druides habent, neque sacrificiis. — Vita omnes in venationibus atque in stiliis res militaris consistit. — Agricultura non student majoreque par victus eorum, lacte et caleo et carne consistet. Neque quisquam agri modum certum, aut fines proprios habet; sed magistratus, ac principes, in annos singulos, gentibus qui una colerunt, quantum eis, attribunt agri, post alio transire cogunt. Ejus rei multas afferunt causas; ne studium belli agricultura commutent, nè latos fines parare student, potentioresque humiliores possessionibus expellant: ne qua oriatur pecunie cupiditas, qua ex re, factiones dissenti nes qua nascuntur: ut anime aequitate plebem contineant quum quisque opes eorum potentissimis æquari videat. — Quum bellum defendit, magistratus qui bello præsunt deliguntur; in pace nullus communis est magistratus, &c. Cæsar, de Bel. Gal. lib. 6.

Tacitus after describing Germany, tells us \* ‘ They chose their kings out of the Nobility or great men, but their magistrates for their virtue; the royal power was not absolute, and the magistrates governed rather by example than authority. Small matters are decided by the chiefs, but for *larger* ones it is necessary that some of the people should be united with them; they assemble on certain days, as at the new and full moon, but this defect arises from their liberty, that they cannot assemble at one time, but are two or three days collecting—they come to council armed, and the priests keep silence. First the king or magistrate is heard, then others according to their age, their rank, or reputation in war, or wisdom. Authority or wisdom persuades more than power commands. If the proposal displeases they murmur. If they approve it they clasp their armour. *It was lawful at this council to accuse any one*, and punish according to the crime. They choose also in these assemblies magistrates to judge in the towns, each of these take a hundred of the people as associates to give them authority and council. They do nothing public or private without their arms, but they do not take arms until some one has given testimony of their morals before the civic assembly; then some of the chiefs, or the father, or nearest relation of the youth arms him with a lance and shield, which are his first honours; before this he must not be seen far from his house, but then he becomes a member of the Republic. *No one there laughs at vices. To corrupt, or to be corrupted is not the fashion of the age, good manners are of more value there than good laws in other places; whosoever drives another from his house to perish, is held infamous; and when a man can relieve his guest no longer, he will lead him to his next neighbour.*” I have added below, the material parts in the original, because some translators have perverted their meaning, where favorable to liberty.

It may at first seem unnecessary to trace our ancient constitution from such remote ages, but as the excellence of our present constitution is the constant theme of Administration, I think it necessary to shew how superior it was originally, and that all the excellence it can boast, is nothing but the perverted remains of antiquity; every thing which was practicable then, is more so now, with a little variation in the mode of assembling, except the annual transfer of land, which though impracticable now, proves land was common property.

\* *Reges ex nobilitate; duces ex virtute sumunt. Nec regibus infinita aut libera potestas; et duces exemplo potius quam imperio—De minoribus rebus principes consultant, de majoribus, quorum pones plerumque arbitrium est apud principes. Cœunt certis diebus, cum aut inchoatur luna aut impletur—Illud non simul conveniunt, sed et alter et tertius dies cunctatione cœantium absumunt—confidunt armati. Silentium per sacerdotes. Mox Rex, vel princeps prout ætas quique, prout nobilitas, prout decus bellorum, prout faciundia est audiuntur. Auctoritate suadendi magis quam jubende potestate. Si displicuit sententia fremitu aspernantur; si placuit, fræneas concutiunt. Licet apud concilia accusare quoque, et distinctio penarum ex delecto. Eliguntur in iisdem conciliis, principes qui jura per pagos vicisque reddunt. Ceteri singulis ex plebe comites, consilium et auctoritas adfunt. Nihil autem neque publice neque private rei, nisi armata agunt. Sed arma sumerunt non ante cui quam moris, quam civitas suffectorum probaverit. Tum principium aliquis, vel pater, vel propinquus scuto frænea que juvenum ornant ante hoc domus pars videntur. Mox reipublicæ.—Nemo enim illic vitia ridet: nec corrumpere et corrumpi sæculum vocatur. Ibi boni mores valent, quam alibi bonæ leges. Quam cunque, &c. Tacit, de Germania. Cap. 7, 11, 12, 13, 19, 21.*

It may be said that if the people were armed they would submit to no laws, and pay no taxes; but there is no instance of a whole people refusing to obey *just* laws, or to pay taxes till they were unreasonably oppressed; and Tacitus has well observed, that it was the custom to present a youth to the assembly, with a testimony of his good conduct, before he assumed the armour. I am not for giving arms to vagabonds, and such men will never save money enough to buy them; but if the respectable citizens, who were able to purchase arms, were in general provided with them, it would prevent tumults and robberies, by intimidating bad men of every description; it would prevent foreign invasion also, if they were enrolled in companies, and occasionally exercised, better than a vagabond militia or standing army, and while it preserved obedience to the laws it would secure liberty, property, and peace; for Governments are seldom unjust, if they are sure they cannot escape with impunity. I shall conclude this letter with a few instances to prove these propositions. In Rome every citizen had arms, and a share in the government, till Servius Tullius, their sixth king, by easing them of some taxes, persuaded them to relinquish their arms and their power; and leave the government and defence of the state to the higher orders. But the King himself was the first victim of this impolitic measure; the great men proving oppressive, he endeavoured to restrain them, and *they* conspired to murder him; the *people* endeavoured to save him, but in vain, they were helpless spectators of the most cruel violence to a king whom they adored; the vices of the great at length obliged the people to revolt, who after a bloody contest destroyed their tyrants. The final destruction of the Roman empire was owing to their wretched government not daring to trust the people with arms for their defence. But our own history affords instances enough of this kind. Edgar was surnamed the peaceable, because he was always prepared for war; and the first breach of our Constitution was owing to Ethelred the unready, neglecting to arm and discipline the people, in consequence of which the Danes subdued the kingdom. The Norman Conquest was owing to the same cause as the Danish. On the death of Edward the Sixth, the Protestants constituted a great majority of the people; yet intimidated by the Duke of Norfolk, and a few Popish soldiers, they acknowledged Mary the First, an avowed papist, as Queen; suffered an amiable protestant lady, who was appointed to the crown, to be beheaded, and their venerable pastors to expire in flames before their eyes. Charles the First, presuming on the weakness of the people, ventured on those despotic measures, which deluged the kingdom with blood. Oliver Cromwell, with about forty thousand men, exercised the most absolute tyranny over three kingdoms; and in the year 1780, about a hundred of the lowest class of thieves, with no better arms than iron bars and broomsticks, kept the whole city and suburbs of London in terror for three days. I may add, that if every respectable citizen in France had possessed arms, the Germans would never have entered the kingdom, or a hundred men been killed.



